

Farm Credit Administration

§615.5201

must comply with the requirements of §615.5180. The interest rate risk management program required under §615.5180 must be commensurate with the level of interest rate risk of the institution.

Subpart H—Capital Adequacy

SOURCE: 53 FR 39247, Oct. 6, 1988, unless otherwise noted.

§615.5200 Capital planning.

(a) The Board of Directors of each Farm Credit System institution shall determine the amount of total capital, core surplus, total surplus, and unallocated surplus needed to assure the institution's continued financial viability and to provide for growth necessary to meet the needs of its borrowers. The minimum capital standards specified in this part are not meant to be adopted as the optimal capital level in the institution's capital adequacy plan. Rather, the standards are intended to serve as minimum levels of capital that each institution must maintain to protect against the credit and other general risks inherent in its operations.

(b) Each Board of Directors shall establish, adopt, and maintain a formal written capital adequacy plan as a part of the financial plan required by §618.8440 of this chapter. The plan shall include the capital targets that are necessary to achieve the institution's capital adequacy goals as well as the minimum permanent capital and surplus standards. The plan shall address any projected dividends, patronage distribution, equity requirements, or other action that may decrease the institution's capital or the components thereof for which minimum amounts are required by this part. The plan shall set forth the circumstances in which retirements or revolvments of stock or equities may occur. If the plan provides for retirement or revolvment of equities included in core surplus, in connection with a loan default or the death of a former borrower, the plan must require the institution to make a prior determination that such retirement or revolvment is in the best interest of the institution, and also require the institution to charge off an amount of the indebtedness on the loan

equal to the amount of the equities that are retired or canceled. In addition to factors that must be considered in meeting the minimum standards, the board of directors shall also consider at least the following factors in developing the capital adequacy plan:

- (1) Capability of management and the board of directors;
- (2) Quality of operating policies, procedures, and internal controls;
- (3) Quality and quantity of earnings;
- (4) Asset quality and the adequacy of the allowance for losses to absorb potential loss within the loan and lease portfolios;
- (5) Sufficiency of liquid funds;
- (6) Needs of an institution's customer base; and
- (7) Any other risk-oriented activities, such as funding and interest rate risks, potential obligations under joint and several liability, contingent and off-balance-sheet liabilities or other conditions warranting additional capital.

[53 FR 39247, Oct. 6, 1988, as amended at 62 FR 4446, Jan. 30, 1997; 71 FR 5763, Feb. 2, 2006]

§615.5201 Definitions.

For the purpose of this subpart, the following definitions apply:

Allocated investment means earnings allocated but not paid in cash by a System bank to an association or other recipient.

Bank means an institution that:

- (1) Engages in the business of banking;
- (2) Is recognized as a bank by the bank supervisory or monetary authority of the country of its organization or principal banking operations;
- (3) Receives deposits to a substantial extent in the regular course of business; and
- (4) Has the power to accept demand deposits.

Commitment means any arrangement that legally obligates an institution to:

- (1) Purchase loans or securities;
- (2) Participate in loans or leases;
- (3) Extend credit in the form of loans or leases;
- (4) Pay the obligation of another;
- (5) Provide overdraft, revolving credit, or underwriting facilities; or
- (6) Participate in similar transactions.